

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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QUEEN PRINYAH GODIAH NMIAA PAYNES
EL BEY

20-cv-524(LTS)(GWG)

Plaintiff,

-against-

DECLARATION IN SUPPORT

LEYLAND CROCILLA et al.,

Defendants.

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S I R S :

ANDREW K. PRESTON, an attorney admitted to practice in the United States District Court for the Southern District of New York, declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, as follows:

1. The undersigned is a partner in the law firm Bee Ready Fishbein Hatter & Donovan, LLP, and represents Defendants: Leyland Crocilla, P.O. Michels, Vollas, and Lt. Coza (the “MTA Individual Defendants”) in the above-captioned action.
2. This Declaration and attached exhibits are being submitted in support of the MTA Individual Defendants’ Motion to dismiss pursuant to Federal Rules of Civil Procedure 8, 12(f) and 10.
3. Attached hereto as Exhibit A is a copy of Plaintiff’s Second Amended Complaint found at Dkt. No. 38.
4. Attached hereto as Exhibit B is a copy of correspondence from your undersigned dated September 21, 2021 to Judge Vyskocil found at Dkt. No. 43.

5. Attached hereto as Exhibit C is a copy of correspondence from Jason Douglas Barnes, Esq. on behalf of Defendant Metropolitan Transportation Authority to Judge Vyskocil dated September 30, 2021 found at Dkt. No. 47.

6. Attached hereto as Exhibit D is a copy of the Order of Magistrate Judge Gorenstein issued on February 22, 2022 found at Dkt. No. 58.

7. Attached hereto as Exhibit E is a copy of the Order of Magistrate Judge Gorenstein issued on March 10, 2022 found at Dkt. No. 59.

8. Attached hereto as Exhibit F is a copy of the Order of Magistrate Judge Gorenstein issued on March 24, 2022 found at Dkt. No. 62.

9. Attached hereto as Exhibit G is a copy of the April 21, 2022, filing by Plaintiff, docketed as a 3rd Amended Complaint, found at Dkt. No. 63.

10. Attached hereto as Exhibit H is a copy of Exhibit A to the April 21, 2022, filing by Plaintiff, found at Dkt. No. 63-1.

11. Attached hereto as Exhibit I is a copy of Exhibit B to the April 21, 2022, filing by Plaintiff, found at Dkt. No. 63-2.

12. Attached hereto as Exhibit J is a copy of the Order of Magistrate Judge Gorenstein issued on April 22, 2022 and found at Dkt. No. 64.

13. Attached hereto as Exhibit K is a copy of the Order of Magistrate Judge Gorenstein issued on May 23, 2022 and found at Dkt. No. 65.

14. Attached hereto as Exhibit L is the June 19, 2022 letter / Fourth Amended Complaint filed by Plaintiff, found at Dkt. No. 73.

15. Attached hereto as Exhibit M is the June 19, 2022 letter filed by Plaintiff, found at Dkt. No. 74.

16. Attached hereto as Exhibit N is the June 24, 2022 Order of Magistrate Judge Gorenstein clarifying the operative pleading to be the document filed at Dkt. No. 73, found at Dkt. No. 76.

As set forth more fully in the accompanying Memorandum of Law, Defendants respectfully submit that an order dismissing Plaintiff's fourth amended complaint pursuant to Federal Rules of Civil Procedure 8, and 10 is warranted.

Dated: Mineola, New York
July 6, 2022

Respectfully yours,
**BEE READY FISHBEIN
HATTER & DONOVAN, LLP**

By: /S/
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